

Exhibit 1

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**BESSEMER SYSTEM FEDERAL CREDIT)
UNION,)**

Plaintiff,)

vs.)

Case No. 2:19-cv-00624-RJC

**FISERV SOLUTIONS, LLC, f/k/a FISERV)
SOLUTIONS, INC., and FISERV, INC.,)**

Defendants.)

**PLAINTIFF’S FIRST AMENDMENTS TO
RESPONSES AND OBJECTIONS TO DEFENDANTS’
FIRST SET OF DISCOVERY REQUESTS**

Pursuant to Rules 26, 33, 34, and 36 of the Federal Rules of Civil Procedure and Local Rules 26.2, 33, 34 and 36, and the Court’s Amended Case Management Order dated March 26, 2021, Plaintiff Bessemer System Federal Credit Union (“Bessemer”), by and through its undersigned attorneys, hereby objects and responds to Defendants Fiserv Solutions, LLC, f/k/a Fiserv Solutions, Inc., and Fiserv, Inc.’s (“Fiserv”) First Set of Discovery Requests to the Plaintiff, dated November 9, 2020, as follows:

PRELIMINARY STATEMENT

1. Plaintiff’s investigation and development of all facts and circumstances relating to this action are ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Plaintiff’s right to rely on other facts or documents in any subsequent proceeding, hearing or at trial.

2. Plaintiff make the responses and objections herein without in any way implying that they consider the responses thereto to be relevant or material to the subject matter of this action.

RESPONSE: Subject to its General Objections, Bessemer denies this request.

REQUEST TO ADMIT NO. 32: Admit that Bessemer does not have possession, custody, or control over any evidence that “Fiserv issued threats to others who have discovered or reported security vulnerabilities, in an effort to conceal these problems from affected financial institutions and consumers,” as Bessemer alleges in Paragraph 71 of the SAC.

RESPONSE: Subject to its General Objections, Bessemer denies this request.

REQUEST TO ADMIT NO. 33: Admit that Bessemer is not aware of any specific incident in which acts or omissions of Fiserv Solutions have resulted in identity thieves using “Bessemer’s member information for embarrassment, blackmail, or harassment in person or online, or to commit other types of fraud, including obtain ID cards or driver’s licenses, fraudulently obtaining tax returns and refunds, and obtaining government benefits,” as Bessemer alleges in Paragraph 81 of the SAC.

RESPONSE: Subject to its General Objections, Bessemer admits that it is not aware of any specific incident in which acts or omissions of Fiserv have resulted in identity theft, denies that it alleges any such incidents of identity theft, and objects to the mischaracterization of its allegations. Bessemer’s member information is valuable to identity thieves regardless of whether Bessemer knows of specific incidents of identity theft using that information.

REQUEST TO ADMIT NO. 34: Admit that no Bessemer member has reported to Bessemer any specific incident in which acts or omissions of Fiserv Solutions have resulted in identity thieves using “Bessemer’s member information for embarrassment, blackmail, or harassment in person or online, or to commit other types of fraud, including obtain ID cards or driver’s licenses, fraudulently obtaining tax returns and refunds, and obtaining government benefits,” as Bessemer alleges in Paragraph 81 of the SAC.

RESPONSE: Subject to its General Objections, Bessemer admits that no Bessemer member has reported to Bessemer any specific incident in which acts or omissions of Fiserv have resulted in identity theft, denies that it alleges any such incidents of identity theft, and objects to the mischaracterization of its allegations. Bessemer’s member information is valuable to identity thieves regardless of whether Bessemer knows of specific incidents of identity theft using that information.

REQUEST TO ADMIT NO. 35: Admit that no member of Bessemer reported to Bessemer that the member’s account had been used or accessed fraudulently in response to Bessemer’s

correspondence to its members, dated April 26, 2019, a copy of which is attached hereto as Exhibit 2.

RESPONSE: Subject to its General Objections, Bessemer admits this request.

REQUEST TO ADMIT NO. 36: Admit that no member of Bessemer reported to Bessemer that the member's account records were inaccurate in response to Bessemer's correspondence to its members, dated April 26, 2019, a copy of which is attached hereto as Exhibit 2.

RESPONSE: Subject to its General Objections, Bessemer admits this request.

REQUEST TO ADMIT NO. 37: Admit that, as of April 26, 2019, Bessemer had no evidence that the account of any Bessemer member had been used fraudulently.

RESPONSE: Subject to its General Objections, Bessemer denies this request.

REQUEST TO ADMIT NO. 38: Admit that, as of April 26, 2019, Bessemer had no evidence that the account records of any Bessemer member were inaccurate.

RESPONSE: In addition to its General Objections, Bessemer objects to the vague, undefined term "account records." Bessemer will interpret "account records" as any Member Information as defined in 12 CFR Part 748, App'x A. Subject to its General and Specific Objections, Bessemer denies this request.

REQUEST TO ADMIT NO. 39: Admit that Fiserv Inc.'s filings with the Securities and Exchange Commission, including those alleged in Paragraphs 73 and 74 of the SAC, are public records to which Bessemer has access.

RESPONSE: In addition to its General Objections, Bessemer objects to the vague, undefined term "filings with SEC," which may encompass submissions that are not public records. Subject to its General and Specific Objections, Bessemer admits that the filings referenced in paragraphs 73 and 74 of the SAC are public records to which Bessemer has access.

REQUEST TO ADMIT NO. 40: Admit that Fiserv Solutions fully resolved the reporting issues alleged in Paragraph 88 of the SAC before Bessemer filed the SAC.

RESPONSE: Subject to its General Objections, Bessemer denies this request.

REQUEST TO ADMIT NO. 41: Admit that Bessemer did not suffer any monetary damage as a result of the reporting issues alleged in Paragraph 88 of the SAC.

RESPONSE: Subject to its General Objections, Bessemer denies this request.

REQUEST TO ADMIT NO. 42: Admit that Fiserv Solutions fully resolved the Loancierge platform issues alleged in Paragraph 90 of the SAC before June 1, 2019.

RESPONSE: Subject to its General Objections, Bessemer denies this request.

RESPONSE: Subject to its objections, Bessemer will produce copies of any non-privileged, responsive documents.

REQUEST NO. 107: Documents sufficient to show Bessemer's standard form or template for loan agreements and loan statements in effect from 2014 through 2019.

RESPONSE: Subject to its objections, Bessemer will produce copies of any non-privileged, responsive documents sufficient to show this information.

REQUEST NO. 108: Documents sufficient to show Bessemer's standard form agreement or template and statements for mortgage loans, vehicle loans, business loans, and personal loans in effect from 2014 through 2019.

RESPONSE: Subject to its objections, Bessemer will produce copies of any non-privileged, responsive documents sufficient to show this information.

REQUEST NO. 109: All documents and communications between Bessemer and Venminder referring or relating to Fiserv and/or Fiserv Solutions.

RESPONSE: Subject to its objections, Bessemer will produce copies of any non-privileged, responsive documents.

REQUEST NO. 110: All documents and communications between Bessemer and Venminder referring or relating to Fiserv's and/or Fiserv Solutions' services and or products

RESPONSE: Subject to its objections, Bessemer will produce copies of any non-privileged, responsive documents.

Dated: April 9, 2021 and
amended on of June 25, 2021

OFFIT KURMAN, P.A.

By: /s/ Charles J. Nerko

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